

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN GILKEY,

Plaintiff,

v.

No. CV 14-0335 WJ/KBM

DAVID WILLARD, et al.,

Defendants.

ORDER TO CURE DEFICIENCY

Plaintiff submitted a civil rights complaint. The Court notes that, although Plaintiff signed the complaint, an inmate other than Plaintiff drafted and also signed the complaint as “Plaintiff’s attorney-in-fact.” In a “verification” at the end of the complaint, Plaintiff states that “[copies of] all . . . filings . . . shall be sent to Dakota. . . . [And] all [filings] filed by Dakota on my behalf need only be signed by him and shall be accepted by the Court as if I had filed them myself.” To the contrary, “[a]n individual may [litigate] in federal courts only pro se or through legal counsel. 28 U.S.C. § 1654 (‘parties may plead and conduct their own cases personally or by counsel’). . . . Unless . . . a member of a bar, an individual is not entitled to represent any other party.” *United States v. Althoff*, No. 93-2114, 1993 WL 542201, at **1 (10th Cir. Dec. 23, 1993) (citation omitted). **Filings in this action must be signed by Plaintiff, and filings that are not signed by Plaintiff will be promptly stricken from the record. Copies of filings will be sent exclusively to Plaintiff.**

Furthermore, the Court determines that Plaintiff’s filing is deficient as described in this order. Plaintiff is directed to cure the following if he wishes to pursue his claims:

I. Filing Fee:

X has not been received (\$400 civil/administrative)

II. Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

X is not filed.

Papers filed in response to this order must include the civil action number (CIV 14-0335 WJ/KBM) of this case. Failure to cure the designated deficiencies and fully comply with this Order may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that, within thirty (30) days from entry of this Order, Plaintiff cure the deficiencies designated above;

IT IS FURTHER ORDERED that the Clerk is directed to mail to Plaintiff, together with a copy of this order, the following forms: **2 copies each of an Application to Proceed in District Court Without Prepaying Fees or Costs and Initial Financial Certificate.



UNITED STATES CHIEF MAGISTRATE JUDGE